

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THOMAS L. MASSON, JR.

Petitioner,

v.

E. VALENZUELA, Warden,

Respondent.

Case No. [16-cv-01299-KAW](#) (PR)

ORDER OF TRANSFER

Petitioner, a state prisoner incarcerated at California Men's Colony, in San Luis Obispo, which lies within the Central District of California, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging a conviction and sentence imposed in the San Diego County Superior Court.

A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. 28 U.S.C. § 2241(d). The district court where the petition is filed may transfer the petition to the proper district in the furtherance of justice. *Id.*

Pursuant to Habeas Local Rule 2254-3(a)(1), venue is proper in the Northern District for petitions challenging the lawfulness of a conviction or sentence from the following counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz and Sonoma. Under Habeas Local Rule 2254(b), if a petition filed in the Northern District does not conform to Habeas Local Rule 2254-3(a), venue shall be transferred to the district of conviction or sentencing, if the petition is challenging the conviction or sentence.


Petitioner is challenging a conviction and sentence imposed in the San Diego County Superior Court, which lies within the venue of the Southern District of California. 28 U.S.C. § 84(b). Thus, the proper venue for this petition lies in the Southern District, not in this district.

Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and in the interest of justice, the Clerk of the Court is ordered to TRANSFER this action to the United States District Court for the Southern District of California.

All remaining motions are TERMINATED on this Court's docket as no longer pending in this Court.

**IT IS SO ORDERED.**

Dated: April 4, 2016



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KANDIS A. WESTMORE  
UNITED STATES MAGISTRATE JUDGE